



Governor Kim Reynolds
Lt. Governor Adam Gregg
San Wong, Director

JUVENILE JUSTICE ADVISORY COUNCIL

"To advocate for an effective, fair and equitable justice system for every Iowa youth."

MINUTES OF REGULAR MEETING

Google Meet Meeting

Thursday, June 11, 2020

- Present:** Andrew Allen, Chair; Megan Adam; Christy Burkhart; Felicia Carter; Hon. Susan Cox; Patrick Garcia; Stephanie Hernandez; John Hirl; Jeremy Kaiser; Roy Klobnak; Dave McDaniel; Alan Ostergren; Tony Reed; Aaron Sewell; Jennifer Tibbetts; Jeralyn Westercamp; Doug Wolfe
- Staff:** Steve Michael; Dave Kuker; Scott Musel; Reeva Neighbors; Kayla Powell; Jeff Regula; Julie Rinker
- Others:** Meg Williams, OJJDP; Daniel Zeno, ACLU; Lynn Vogan; Zach Hecht

I. Call to Order & Introductions

Andrew Allen, Chair, called the meeting to order at 10:12 a.m. A quorum was present. Due to COVID-19 and social distancing concerns, the meeting was held electronically.

II. Approve Minutes – *Action*

Doug Wolfe moved to approve the minutes from the March 23 meeting, seconded by Tony Reed. The motion was unanimously approved.

III. Division & National Report

Steve Michael reported the following:

- **JJAC Membership/Applications**—Sarah Madojemu and Dan Lopez are not reapplying. Staff will work with the Governor's office on reappointments and filling vacancies.
- **Telework**—Staff continue to work from home.
- **Grants**—Several grants have been submitted—
 - Title II funding.
 - OJJDP grant to build training and infrastructure services for girls—a three-year project.
 - State Public Defender (SPD)/Department of Human Services (DHS)—CJJP will conduct an evaluation on this pilot project that allows SPD to appoint an attorney for parents involved in child welfare cases prior to action taken in juvenile court. SPD will serve as a mediator to assist parents and DHS to resolve issues to eliminate the need to remove children.
- **Legislation**—
 - **Budget**—The Legislature resumed its session last week. A status quo budget will most likely pass.
 - **Felon voting**—SF2348 has passed. The bill excludes felons who have not completed restitution to a 'natural person(s)'. Daniel Zeno noted that the HJR14 provides for a constitutional amendment, but has not yet passed.
 - **DHS**—Wolfe reported that DHS has pre-filed a bill to provide support to foster care youth who are aging out, but living with relatives/kin. They would receive the same support as those aging out of a licensed family foster home. The bill has been passed by both the House and Senate and is awaiting the governor's signature.

- **SF2360 Classroom Management/Therapeutic Classrooms**—Daniel Zeno provided information on this bill relating to classroom discipline. The bill creates a funding stream for therapeutic classrooms and sharing between school districts to provide support to kids with behavioral health needs. It provides funding in 2021 for education, but removes kids from the general education class and has the potential to transfer them to another building/community. The ACLU is against that approach and believes it incentivizes schools to remove youth from the classroom. The bill has passed in the Senate, amended by the House, and is back on the Senate's calendar today.
- **Staff changes**—Kayla Powell has been hired as the NYTD Coordinator (National Youth in Transition Database) and will also serve as youth program coordinator.
- **Retirement**—Dave Kuker announced his retirement plans for December. He has enjoyed this work over the past 30 years of service. He encouraged members to continue the work and thanked Steve Michael and others in CJJP for their commitment. Michael noted that Kuker is well-respected in Iowa and across the country for his work in juvenile justice.
- **State and National Racial Justice Issues – Action**

Michael reported that CJJP is working to address opportunities for change surrounding racial justice. A justice system data report will demonstrate disparity and provide recommendations. The report will be shared with CJJP's councils/subcommittees, the Governor, State Court Administration, and the legislature. He asked if the Council would like to take action.

Allen asked if CJJP had been requested to compile the information and about the role of this Council. Michael responded that CJJP is part of the Executive Branch and serves to inform the Governor and legislators. National consultants have provided recommendations for system improvement. This Council and its subcommittees have received those recommendations in previous meetings and have interests in this area.

A lengthy discussion ensued. The following highlights that discussion:

- Private entities should be included to underscore emphasis and impact.
- Due to current interest, people want to know what can be done to move the conversation forward.
- Due to the number of ethnic groups and races in Iowa, this is an opportunity for Iowa to be a leader across the country.
- Allen agreed this is an opportunity to convene a group to review recommendations, amplify the data and recommendations, and for the JJAC to be seen as a leader in juvenile justice.
- Hon. Susan Cox questioned the role of the Council and thought the primary mandate was to oversee the use of federal funds. She suggested forming a group to discuss options before sharing recommendations and include other stakeholders, such as law enforcement.
- Meg Williams, Office of Juvenile Justice and Delinquency Prevention, stated that the conversation is pertinent and provides an opportunity for the Council to consider the next three-year plan—over-representation and review of the DMC plan, address what has been done and ways to expand efforts. “As a State Advisory Group, this is in your purview. This Council may be the only group who has the responsibility and authority to address issues.” She offered assistance with future conversations.
- Patrick Garcia suggested looking at services provided by the federal funding overseen by this Council—many are policing-type services. He suggested reviewing programs to identify if there is a disparity in services and ways to serve more families.
- Jennifer Tibbetts thought it was essential to speak up on issues. The DMC Subcommittee and Iowa Task Force for Young Women (ITFYW) have been active in the area of disparity.
- Daniel Zeno, ACLU and member of the public, agreed that it is the Council's responsibility to share the data. Many are not aware of the disparities in race and gender. He suggested the Council provide information on the current system, recommendations, and disparities.

- Allen thought the Council's role, along with its subcommittees, is to create a forum to listen to concerns, share data, and review recommendations. The information is relevant.
- Kuker offered to work with LaTasha DeLoach (DMC Subcommittee) and Tibbetts (ITFYW) to develop a plan to bring awareness. Allen thought a virtual forum creates a timely opportunity to share data and bring a collective group together to develop recommendations—something sooner than later. Tibbetts offered to contact the Cedar Rapids Civil Rights office to include in the forum.
- SIYAC youth and crime victims should also be included.

Michael stated that CJJP will move forward on data and existing recommendations as a starting point for conversation. Some issues are systemic—extending juvenile court jurisdiction, waivers to adult court, and pre-charge diversion.

He will have the DMC/ITFYW take the lead on a forum with staff support. The challenge will be getting participation from those needed due to the current pandemic. The Iowa Youth Congress (IYC) is in the process of holding regional meetings and some of their discussion relates to COVID-19 and racial justice. He suggested also including IYC and AMP youth.

IV. Title II Juvenile Justice Youth Development Allocation

- **Council Budget Report – Scott Musel**

Scott Musel reviewed current expenditures. A balance of \$15,299.46 remains. Travel-related expenditures are down due to COVID-19, social distancing, and holding web-based meetings. Staff will continue to monitor funds. Any remaining Council funds will not expire and will transfer to the next federal fiscal year beginning October 1.

- **Title II Expenditures Reports, and District Progress Reports**

Musel reviewed information on the status of the current allocation to the eight judicial districts. The COVID-19 pandemic has affected expenditures by several districts—three expended funds at the beginning of the federal fiscal year, while others have waited.

Kuker added that these are 2017 funds and will expire September 30. Under normal circumstances, these funds are for in-person community-based services. However, the pandemic and social distancing has prevented the use of these services. Staff will request that OJJDP approve an extension on the funding expiration date.

Musel provided a brief overview of the progress reports from the judicial districts. This is a six-month update on programs and funds expended. More data will be provided at the Fall Retreat. A new performance reporting process is underway where providers will submit case-level data. This will give CJJP the ability to analyze program success, calculate recidivism, and provide aggregated data reports on the number of youth served by race and gender. Services will be evaluated using the SPEP tool (Standardized Program Evaluation Protocol).

- **Travel**

- 1. OJJDP Training – October 2020**

Musel reported that staff are required to attend this training in San Diego. OJJDP is finalizing the hotel contract, thus, hotel rates are unknown at this time. A national youth forum and a Federal Advisory Council on Juvenile Justice is planned, but nothing definite has been determined due to the pandemic. He will update the Council when more information is received.

- 2. CJJ Conference Rescheduled – November 2020**

- Musel reported that the Coalition for Juvenile Justice (CJJ) has postponed their annual conference to November.
- Allen thanked members for their support during the Midwest Chair election process. Hon. Michael Mayer was re-elected.

V. Profile of Youth Charged in Adult Court

Michael reported that the Justice Advisory Board requested information on the number of youth in the adult correctional system. Two reports (an initial and supplemental) were shared and focus on three areas—direct file, youth waived to adult court, and those under age 18 when admitted to prison. Jeff Regula reviewed the data.

Tibbetts requested data by race and gender. Regula will provide this information and convictions.

Williams suggested looking at youth needs—identify what is driving arrests, review dispositions. Some youth may not have been offered services. She termed it “criminalizing needs”. A way to find solutions is to identify what is/not available and provide those services.

VI. JJAC Retreat Planning Process and Potential Changes

• Potential Title II Funding Distribution Modification

Kuker provided an overview of the distribution of Title II funds to judicial districts which serve youth at the local level. Through other grants, recent efforts have focused on reentry, girls, diversion, program evaluation, detention screening, decision matrix, Iowa Delinquency Assessment, etc.

National consultants have provided guidance on best practices for system youth, policies, and procedures. He noted the Risk-Need-Responsivity (RNR) model that bases treatment on risk and needs. However, other areas need further focus—statewide policies, quality assurance, overrepresentation, and community-based services for girls and high-risk youth.

Title II funds must meet compliance standards set forth in the JJDP Act and consideration must be given to the use of these funds when setting priorities for the next three years. Currently, too many low-risk kids and not enough high-risk kids are receiving services.

During the Retreat, the Council will identify priorities and a process to distribute funding as part of the three-year plan. Staff will provide data and subcommittees will provide recommendations. This information will be used to guide and inform discussions.

Michael asked members to consider how/where these funds should be distributed and their focus. Currently, Title II funds are mixed with other funding and it is difficult to identify progress. Consideration should be given to services provided. He asked members to submit ideas on the type of information needed to develop concrete conclusions.

VII. New Member Training – Where, When...

Musel reported that a virtual training will be scheduled for both new and current members. A survey will be sent to solicit interest and identify a date/time. The training will include OJJDP staff.

Williams suggested holding three half-day Retreat sessions if we are unable to meet in person. Musel will include this information in the survey.

VIII. Current Activities

A. Priority One: Effective and Promising Practices

Michael reported that work continues on the decision matrix. The girls' grant application includes evidence-based and best practices for girls around the female-responsive model.

B. Priority Two: Mental Health, Substance Abuse, and Trauma

Allen reported that the Children's Mental Health Board met in early May. COVID-19 has affected both education and mental health and increased rates of addiction. Although child abuse reports are down, there is concern about abuse in the home that goes unreported since many referrals come from schools. Other concerns related to overall trauma due to the pandemic. Mental Health regions provided updates. Some regions have significant funding while others do not. There is no funding allocated in the legislation, but more is needed to provide services. Allen noted the amount of collaboration amongst departments on a statewide basis.

C. Priority Three: Disproportionate Minority Contact

Kuker reviewed discussion held at a joint meeting between the DMC Subcommittee and the ITFYW. The focus was on girls of color and the need for services and providers. Andrew Allen facilitated the meeting. A DMC compliance plan was submitted with the three-year plan update.

D. Priority Four: Female Equity

Tibbetts reported that the ITFYW continues to work on their publication, "Healing Justice". During its May meeting, the ITFYW discussed membership expansion to gain representation from rural and community service providers.

E. Priority Five: Compliance Monitoring

Musel reported that OJJDP will allow him to document facilities he is unable to visit in person. He is currently in the process of gathering data and developing protocol for compliance visits and in-person contacts. Those visits will begin in September/October.

IX. Unfinished Business

X. New Business

There was no unfinished or new business.

XI. Adjourn

Allen acknowledged Wayne Ford for his work in DMC. He is grateful for Ford's passion and guidance. He asked members to think about their purpose and reason for involvement in this work.

The meeting adjourned at 1:00 p.m.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Div. of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights